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Attorney for Defendant
DAVID SALVATORE DIAZ, III

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	Case No. 4:17-cr-00533 EMC
Plaintiff,)	
vs.)	DEFENDANTS DAVID DIAZ, III'S
)	AND RANDY OTT'S OPPOSITION TO
)	TRIAL SETTING AT THIS TIME
DAVID SALVATORE DIAZ, III,)	Date: May 28, 2019
Defendants.)	Time: 2:30 P.M.
)	Judge: Hon. Edward M. Chen

David Diaz, III and Randy Ott respectfully oppose the setting of a trial date at this time.

Mr. Diaz and Mr. Ott primarily oppose the setting of a trial date at this time due to the need to complete: (1) the government's ongoing production of general, searches and electronic discovery; (2) the defense viewing of a substantial amount of non-motorcycle evidence (over 190 line entries of evidence); (3) the government's laboratory analysis of a wide ranging amount of evidence; (4) the corresponding defense analysis and testing of the laboratory evidence once produced; (5) the defense litigation of motions, including, but not limited to, motions for discovery, motions for bills of particulars and motions to suppress, exclude and return evidence; and (6), as to Mr. Ott, the need to develop and present the submission, which may bear on the decision whether to seek the death penalty,

1 for the consideration of the United States Attorney for the Northern District of California,
2 and if necessary, the Attorney General's Review Committee on Capital Cases, the Deputy
3 Attorney General, the Capital Case Section, and any other individual or office involved in
4 reviewing the case, and ultimately, the Attorney General.

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6 DATED: May 26, 2019

Respectfully submitted,

7 */s/ James Thomson*

8 JAMES THOMSON
Attorney for David Diaz, III

9
10 DATED: May 26, 2019

/s/ Robert Waggener

11 */s/ Marcia Morrissey*

12 ROBERT WAGGENER
13 MARCIA MORRISSEY
Attorneys for Randy Ott